

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

**FILED**

SEP 22 2017

Clerk, U.S. District Court  
District Of Montana  
Missoula

UNITED STATES OF AMERICA,

CR 15-40-M-DLC-01

Plaintiff,

ORDER

vs.

GEORGE LESLIE MANLOVE,

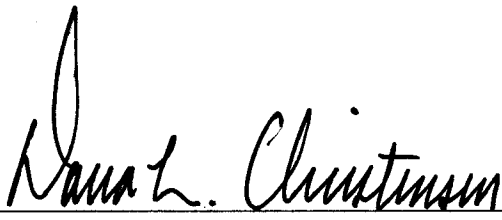
Defendant.

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendations in this case on August 22, 2017, recommending that no restitution be imposed against Defendant George Leslie Manlove (“Nisbet”). No party objected to the Findings and Recommendations, and so they have waived the right to de novo review thereof. 28 U.S.C. § 636(b)(1)(C). This Court reviews for clear error those findings and recommendations to which no party objects. *See McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted).

Having reviewed the Findings and Recommendations, the Court finds no clear error in Judge Lynch's conclusion that no restitution be imposed against Manlove. The Court agrees with Judge Lynch that the Government has not met its burden of establishing by a preponderance of the evidence that the loss in the ESOP share value would not have occurred but for Manlove's criminal business decisions. There is no evidence in the record on which the Court can make a finding as to the causal nexus between Manlove's business decisions and the ESOP's loss in value.

Accordingly, IT IS ORDERED that Judge Lynch's Findings and Recommendations (Doc. 152) are ADOPTED IN FULL. The United States' request for restitution in the amount of \$838,891 is denied.

DATED this 22<sup>nd</sup> day of September, 2017.

  
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Dana L. Christensen, Chief Judge  
United States District Court